

Andover Conservation Commission Meeting Minutes

June 19, 2012

Town of Andover
36 Bartlett Street
3rd Floor Conference Room A
7:45 p.m.

Conservation Commission Members in Attendance:

Commissioner Driscoll (Remote Participation), Commissioner Fink, Commissioner Greenwood, Commissioner Honea, Commissioner Porter and Acting Chairman Walsh. Director Robert Douglas was also present.

SCHEDULED ITEMS:

6 Nob Hill Circle

Present in Interest: Bruce Comak- Comak Bros. and Emma Gennaro

Public Meeting on the Request for Determination of Applicability filed by Thomas Gennaro to determine if the proposed installation of a pervious paver sitting area, removal of turf grass lawn, and the planting of additional wetland plantings is subject to the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40. and/or the Andover Wetlands Protection By-law, Article XIV DA2012-017

Director Douglas presented to the Commission. The applicant is proposing to install a pervious patio outside of their home in area that was previously lawn. The house is pre-by-law 1970. The family recently finished an addition and is looking to add this patio. The wetland system is tributary to fish brook behind the home. Our regulations call out "on grade patios and similar impervious surfaces to meet a setback of 30 ft and Watershed Protection of 55 ft. Commissioner Fink questioned whether the patio area is in the River Front Area. Question was asked if the contractor conducted soil tests and ground water tests. The Bruce Comak- Contractor responded with an answer of no. The water stays within the tree line. The Commission is concerned about the 50 ft relative to the River Front. Some of the Commissioners would like to conduct a site visit on June 22, 2012 at 8:00 am. The Public Hearing will be continued to July 2nd to address their concerns.

Commissioner Porter made a motion to Continue for site visit on June 22, 2012 @ 8:00 a.m.; it was seconded by Commissioner Honea and unanimously approved.

3000 Minuteman Road

Present in Interest: Lenny Theroux- Phillips

Public Meeting on the Request for Determination of Applicability filed by Philips Electronics North America to determine if the proposed grinding and reclaiming of existing pavement and repaving of roadway and parking lots is subject to the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40. and/or the Andover Wetlands Protection By-law, Article XIV DA2012-018

Director Douglas presented to the Commission. This is a new project for the proposed grinding and reclaiming of existing pavement of roadway and parking lots. Lenny Theroux – Philips the project is staying within the original foot print of paving and grading and they are using hay bales for erosion control. The reason for the repaving project is that the pavement is over thirty years old and safety concerns. The existing pavement has rights of limits including the debris.

Commissioner Fink pointed out the plans and photographs show it has a lot of wetlands and storm water management. Agent Cleary commented this is usually treated as a Maintenance Project.

Commissioner Honea made a motion to approve the Request for Determination; it was seconded by Commissioner Porter and unanimously approved.

0 Lowell Street Rolling Green

Present in Interest: Dan Kuzauoc – DK Engineering, Maureen Hanley- Norse Environmental, Bob Golledge and Ray Cormier

Public Hearing on a Notice Intent filed by Yvon Cormier under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 for the construction of a 24 ft wide access roadway, sidewalk, 18 ft wide emergency access drive, landscaping, grading and associated utilities for an affordable housing project.

Director Douglas gave a brief summary of the history of this site. The ARAD was issued approximately five months ago. Representative Bob Golledge gave a brief overview and where we are with the project today. He stated that he met with the Peer Reviewer twice. The land is isolated and subject to flooding and will provide a greater storage capacity. The plans show about <5000 altering of a removed area. It meets the 10.57 regulations and the goal is to keep it below this number so it does not trigger the Army Corporation screening. Zoning asked for these changes. The vast majority is outside the resource areas and meets the standards to isolated land subject to flooding. A control outlet is in place. Two options were presented to the Commission for this site. 1) keep ½ of pond near building or 2) fill part of the pond.

Commissioner Fink mentioned the South Pond with isolated land flooding. The Zoning Board waived the wetland by-law. The standards and conditions would be appropriate. Commissioner Porter is concerned about the high water table. The basin flows over during a storm.

The Commission should be receiving the documentation for the 2 options for this project later this week to review. Attorney Mark Johnson for the proponent said the Zoning Board approves both these options. This will close to end the Zoning Board Process. Commission needs to decide which plan we are comfortable with. Commissioner Fink noted proposed roadway be 6ft from BVW. Maureen Hanley – Rep. Norse Environmental said that there is not enough room to go between the buildings due to safety of the children in a busy area. Ray Cormier stated there is a 66 ft right-away for vehicles and pediatricians. The 24 ft is reserved for fire and police to the golf course.

Director Douglas will check with the state in reference to concerns about this project. Commissioner Fink made a motion to accept proposal from ESS as a Peer Reviewer; it was seconded by Commissioner Porter and unanimously approved. Commissioner Fink made a second motion to Continue Public Hearing to a Date Uncertain; it was seconded by Commissioner Porter and unanimously approved.

600/800 Federal Street, 165/171 Chandler Road

Present in Interest: Ingeborg Hegemann – BSC Group

Staff Recommendation: Close the Public Hearing

Public Hearing on a Notice Intent filed by Leggat McCall Properties LLC under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40, and/or the Andover Wetlands Protection By-law, Article XIV, for a 77,114 s.f. building addition and parking expansion work proposed within the 100' buffer zone of bordering vegetated wetland.

Director Douglas gave a brief history. The project was continued to allow time for a site walk to look at the vernal pools. Vernal pools have been identified and mitigated. A summary of the site was given by Ingeborg Hegemann from BSC Group. Janet Bernardo from ESS gave a summary and review of this site in reference to Planning and Conservation.

Commissioner Porter made a motion to Close the Public Hearing and issue a Draft Order of Conditions; it was seconded by Commissioner Honea and unanimously approved.

6 Tech Drive

Present in Interest:

Staff Recommendation:

Continued Public Hearing on a Notice of Intent filed by Sara Osborne under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for removal of an existing concrete chiller pad with underground piping, dumpster pad and concrete wall enclosure and proposed construction of a new concrete pad for a prefab building structure, a new concrete sidewalk and two water quality swales. DEP File #090-1156 (BD)

Director Douglas presented to the Commission that the applicant per letter dated June 19th requested not to be heard this evening and to be continued to July 17th.

Commissioner Porter made a motion to Continued to July 17th and it was seconded by Commissioner Honea and unanimously approved.

Andover Country Club Legends I

Present in Interest:

Staff Recommendation:

Continued Public Hearing for a Request an Amended Order of Conditions filed by CA Investment Trust under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40, and/or the Andover Wetlands Protection By-law, Article XIV, for proposed construction of an increasing from 24 townhouse units to 32 townhouse units and alteration of building sizes & configuration of associated decks, driveways, grading, rooftop infiltration and utilities located at entrance of Crenshaw Lane. DEP #090-982 (BD)

Director Douglas presented to the Commissioner. The proponent has submitted an Amended Order of Conditions and a site walk has been conducted. Doug Lees presented a brief overview to the Commission about the modifications to the plans. There was an increase to Buildings 16 & 17 in the number of chamber on the recharge and there is the same number of system with less chambers. Increase the distance between the buildings with Building 12. Janet Bernardo –ESS gave an overview of her review of the project. The impervious area has increased but infiltration has increases sufficiently. It now balances itself out. The newest building met the 2008 regulations since it was designed before this time. Any other system designed should be checked and make sure they conform to the 2008 Storm Water Regulations. Commissioner Porter proposed to see the no disturb area moved up the area of present clearing. Also, near Unit 4 steep slope with haybale line with 25 ft no disturb with increased vegetation. Commissioner Fink asked about the kiosk in reference to the plans and to consider the slope. The grading is going to be extended around the wall. Stabilization was to use rip rap and mulch and Commission prefers not to use mulch and replace with vegetation instead.

Commissioner Porter made a motion to Close the Public Hearing and issue Amended Order of Conditions and it was seconded by Commissioner Honea and unanimously approved.

Andover Country Club Legends II

Present in Interest:

Staff Recommendation:

Continued Public Hearing for a Request an Amended Order of Conditions filed by CA Investment Trust under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40, and/or the Andover Wetlands Protection By-law, Article XIV, for proposed construction of an increase from 27 townhouse units to 28 townhouse units and alteration of building sizes & configuration of associated decks, driveways, grading, rooftop infiltration and utilities. DEP File #090-985 (BD)

Director Douglas presented to the Commissioner. The proponent has submitted an Amended Order of Conditions and a site walk has been conducted. Doug Lees presented a brief overview to the Commission about the modifications to the plans. There was an increase to Buildings 16 &

17 in the number of chamber on the recharge and there is the same number of systems with less chambers. Increase the distance between the buildings with Building 12. Janet Bernardo –ESS gave an overview of her review of the project. The impervious area has increased but infiltration has increase sufficiently. It now balances itself out. The newest building met the 2008 regulations since it was designed before this time. Any other system designed should be checked and make sure they conform the 2008 Storm Water Regulations. Commissioner Porter proposed to see the no disturb area moved up the area of present clearing. Also, near Unit 4 steep slope with haybale line with 25 ft no disturb with increased vegetation. Commissioner Fink asked about the kiosk in reference to the plans and to consider the slope. The grading is going to be extended around the wall. Stabilization was to use rip rap and mulch and Commission prefers not to use mulch and replace with vegetation instead.

Commissioner Porter made a motion to Close the Public Hearing and issue Amended Order of Conditions on July 2, 2012, and it was seconded by Commissioner Honea and unanimously approved.

ACTION ITEMS:

7 Manning Way

Consideration of significance requested by Meerie Joung and Angel J. Torio to remove 13 trees (per certified arborist report dated May 27, 2012- Cornelius Smith) within the buffer zone and 25 ft. non- disturb zone. DEP File #090-969 (LC)

Agent Cleary gave a brief overview of this site. The homeowner was required to hire an arborist to give an evaluation on each of the 18 trees. A report was submitted by a certified arborist dated May 27, 2012. The Commission would like the mitigation plan to be more specific. The homeowner will work on this plan with direction from Agent Cleary.

Commissioner Porter made a motion to approve removal plan for trees 1-13 and applicant to submit mitigation plan to Agent Cleary; it was seconded by Commissioner Greenwood and unanimously approved.

4 Willoughby Lane

Vote on letter and plan pursuant to enforcement order issued on March 20, 2012 resulting in the Denial of Certificate of Compliance for 4 Willoughby Lane. DEP File #090-0895 (LC)

Upon Approval of Letter and Plan will result in applicant seeking a Certificate of Compliance. Tabled from last meeting 6/5/12 per request of Representative.

Discussions took place on the mitigation plan for this site. The Commission was not in total agreement. The applicant will return on July 17th with an Amended Order of Conditions with all concerns addressed.

239-256 High Plain Road

Issuance of Order of Conditions at **239 – 256 High Plain Road DEP File#090-1159**

Commissioner Porter motioned to approve to Issue Order of Conditions and allow Director Douglas to revise the Draft; it was seconded by Commissioner Greenwood and unanimously approved.

CONSENT AGENDA:

Minutes

Approval of minutes from meeting of May 15, 2012.

Commissioner Porter motion to approve the minutes of May 15, 2012; it was seconded by Commissioner Honea and unanimously approved.

182 Abbot Street

Issuance of a Certificate of Compliance at 182 Abbot Street DEP File #090-1118

Commissioner Porter motioned to approve to Issue a Certificate of Compliance; it was seconded by Commissioner Honea and unanimously approved.

DISCUSSION ITEMS:

Brickstone Square

Vote to lift Enforcement Action at Brickstone Square (60 York St.)

An overview of the improvement area of the Enforcement Order, Maintenance Schedule and was given.

Merrimack College

Present in Interest – Chris Lovett- VHB and Felipe Schwarz – Merrimack College

Discussions and update on the going detention flow metering program at **Merrimack College**.

Chris Lovett gave a summary and update of the flow monitoring program. The flows were consistent to what was expected. There was more flow at the Football Field. A temporary plate was installed to correct problem and will be monitored for a year. Detention Pond is functioning according to plan.

Ledge Road

Discussions on Pre-Design Field Investigation- Monitoring Wells at **Ledge Road Landfill**.

Bruce Haskell representing the Town of Andover gave an overview of the Ledge Road Landfill. The Commission asked Director Douglas to write a letter that the project was exempt and the excavating material is to be removed from the site.

Commissioner Greenwood voted to approve letter of exemption with excavating language; it was seconded by Commissioner Porter and unanimously approved.

The next meeting will be held at 7:45 p.m. on July 2, 2012 (Monday) 2nd Floor Conference Room. The meeting was adjourned at 11:38 p.m. by motion of Commissioner Porter; it was seconded by Commissioner Honea and unanimously approved.

Respectfully submitted by:

Wendy Adams

Recording Secretary